IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST.) 22861 OF 2004
WITH
CIVIL APPLICATION NO.3227 OF 2004

Mahesh Shyamdas Punjabi ... Appellant

Vs.

Shyamdas Madhavdas Punjabi ... Respondent

Mr. S.K. Chaurasia for the appellant.

Mr. Mukesh Subramaniam for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 13TH JANUARY, 2005.

P.C.:-

1. Heard learned counsel for the appellant and the respondent.

2. My attention is drawn to paragraph 26 of the plaint where it is specifically stated that the suit is filed under section 6 of the Specific Relief Act. My attention is also drawn to section 6(3) of the Specific Relief Act, which states that no appeal shall lie from any order or decree passed in any suit instituted under this section, nor shall any review of any such order or decree be allowed.

3. In view of this, the present appeal is not tenable. Hence, the appeal is dismissed with liberty to the applicant to adopt appropriate proceedings.

4. In view of the dismissal of the appeal, the above Civil Application No.3227 of 2004 does not survive and is disposed of as such.

5. All concerned to act on ordinary copy of this order duly authenticated by the Sheristedar of this court.

(SMT. RANJANA DESAI, J.)